



OFFICE OF DISCIPLINARY COUNSEL
THE BOARD ON PROFESSIONAL RESPONSIBILITY
DISTRICT OF COLUMBIA COURT OF APPEALS

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(Please print or type)

Date: _____

A. Your Name: (Dr.)

(Mr.)

(Ms.)

(Mrs.)

(First)

(Initial)

(Last)

Address: _____

(Street)

(Apt. #)

(City)

(State)

(Zip)

Business Phone: _____ Home Phone: _____ Cell Phone: _____

Email Address: _____

(NOTE: It is very important that we have your telephone number(s) and that you inform our office if you have a change of address.)

B. Attorney Complained Of:

Name: _____

(First)

(Initial)

(Last)

Address: _____

(Street)

(Apt. #)

(City)

(State)

(Zip)

Telephone No.: _____ Attorney's Bar No., if known: _____

C. Have you filed a complaint about this matter anywhere else? ☐ Yes ☐ No // If yes, please give details.

D. Do you have a written retainer agreement with the attorney? ☐ Yes ☐ No // If yes, please attach a copy.

E. Where applicable, state the name of the court where the underlying case was filed, and the case name and number.

F. Do you have other documents that are relevant? ☐ Yes ☐ No // If yes, please give details and provide copies.

SEE REVERSE SIDE FOR REQUIRED DETAILS & SIGNATURE

G. DETAILS OF COMPLAINT: _____


SIGNATURE

ATTACHMENT A

EMAIL FROM LARRY KLAYMEN
DATED WEDNESDAY JANUARY 30, 2019

WITH EMAIL ATTACHMENTS:

- SANTILLI JUDGEMENT
- SANTILLI PLEA AGREEMENT

From: Larry Klayman leklayman@gmail.com 
Subject: Fwd: Plea Agreement and Criminal Judgment

Date: January 30, 2019 at 3:08 PM

To: Pete Santilli Show pete@thepetesantillishow.com, Peter Santilli bunker@thepetesantillishow.com

Cc: leklayman leklayman@gmail.com

LK

Pete:

Before you continue to do the bidding of and run interference for Roger Stone, you should review the terms your plea, sentencing and supervised release with your probation officer which prohibits association with persons accused of crimes as well as making false statements to a government agency, which not coincidentally amount to a crime.

Your published false statements about me, which were intended to harm me and Dr. Corsi on behalf of Roger Stone, which you made to the Office of the District of Columbia Bar Disciplinary Counsel, which is a government agency, thus constitute actionable criminal false statements, particularly since they were also conducted to promote your show for financial gain. I would thus suggest for your own benefit that you immediately withdraw this complaint and also at once remove this defamatory material off of your websites and any other websites or methods of distribution.

Your conduct also gives rise to civil liability for large damages for defamation and related causes of action. Check out the law of defamation, defamation by implication and defamation per se.

Govern yourself accordingly.

Larry Klayman, Esq.
Counsel for Dr. Jerome Corsi

----- Forwarded message -----

From: Oliver Peer <oliver.peerfw@gmail.com>

Date: Wed, Jan 30, 2019 at 11:48 AM

Subject: Plea Agreement and Criminal Judgment

To: Larry Klayman <leklayman@gmail.com>



Santilli
Judgment.pdf



Santilli Plea
Agreement.pdf

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

PETER T. SANTILLI, JR.
true name
Peter T. Santilli**JUDGMENT IN A CRIMINAL CASE**

Case Number: 2:16-cr-00046-GMN-PAL-5

USM Number: 79401-065

Chris T. Rasmussen, CJA

Defendant's Attorney

THE DEFENDANT:☒ pleaded guilty to count(s) 2 of the Superseding Indictment (ECF No. 27)☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 372	Conspiracy to Impede or Injure a Federal Officer	3/2/2016	2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) all remaining ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/11/2018

Date of Imposition of Judgment



Signature of Judge

Gloria M. Navarro, Chief Judge U.S. District Court

Name and Title of Judge

September 16, 2018

Date

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli

CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

TIME SERVED

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
a _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli

CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

SUPERVISED RELEASEUpon release from imprisonment, you will be on supervised release for a term of : TWO (2) YEARS**MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli

CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

SPECIAL CONDITIONS OF SUPERVISION

1. No Contact – You must not communicate, or otherwise interact, with victims, witness or co-defendants in this case, either directly or through someone else, without first obtaining the permission of the probation office.
2. Search and Seizure - You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS \$ _____ \$ _____

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: PETER T. SANTILLI, JR. true name Peter T. Santilli
CASE NUMBER: 2:16-cr-00046-GMN-PAL-5

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

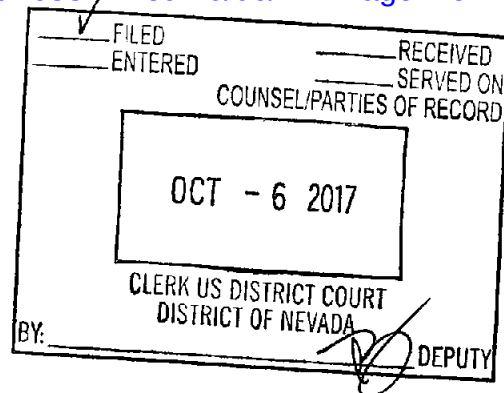
The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT A assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.



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Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER T. SANTILLI,

Defendant.

2:16-cr-00046-GMN-PAL

PLEA AGREEMENT

The United States, by and through the undersigned, and the defendant, PETER T. SANTILLI, and his attorney, Chris Rasmussen, respectfully submit this Plea Agreement under Fed. R. Crim. P. 11(c)(1)(A) and (B).

I. SCOPE OF AGREEMENT

The parties to this Plea Agreement are the United States of America and the defendant, PETER T. SANTILLI. This Plea Agreement binds the defendant and the United States Attorney's Office for the District of Nevada. It does not bind any other prosecuting, administrative, or regulatory authority, the United States Probation

Office, or the Court.

The Plea Agreement sets forth the parties' agreement regarding criminal charges referenced in the Plea Agreement and applicable sentences, fines, restitution and forfeiture. It does not control or prohibit the United States or any agency or third party from seeking any other civil or administrative remedies directly or indirectly against the defendant.

II. DISPOSITION OF CHARGES AND WAIVER OF TRIAL RIGHTS

A. Guilty Plea. The defendant knowingly and voluntarily agrees to plead guilty to Count Two of the Superseding Indictment filed on March 2, 2016, charging Conspiracy to Impede or Injure a Federal Officer, in violation of Title 18, United States Code, Sections 372.

B. Waiver of Trial Rights. The defendant acknowledges that he has been advised and understands that by entering a plea of guilty he is waiving -- that is, giving up -- certain rights guaranteed to all defendants by the laws and the Constitution of the United States. Specifically, the defendant is giving up:

1. The right to proceed to trial by jury on all charges, or to a trial by a judge if the defendant and the United States both agree;

2. The right to confront the witnesses against the defendant at trial and to cross examine them;

3. The right to remain silent at such a trial, with assurance that his silence could not be used against him in any way;

4. The right to testify in his own defense at such a trial if he so chooses;

1 5. The right to compel witnesses to appear at such a trial and testify
2 in the defendant's behalf; and

3 6. The right to have the assistance of an attorney at all stages of
4 such proceedings.

5 C. Withdrawal of Guilty Plea. The defendant will not seek to withdraw
6 his guilty plea after he has entered it in court.

7 D. Dismissal of Charges. After the Court has adjudged a sentence in this
8 case, the government will move to dismiss all remaining charges in the Superseding
9 Indictment.

10 E. Additional Charges. The United States agrees not to bring any
11 additional charges against the defendant arising out of the investigation in the
12 District of Nevada which culminated in this Plea Agreement or for conduct known
13 to the United States at the time of this Agreement.

14 **III. ELEMENTS OF THE OFFENSE**

15 The elements of Conspiracy to Impede or Injure a Federal Officer in violation
16 of Title 18, United States Code, Section 372 are as follows:

17 1. From on or about March 28, 2014, to on or about March 2, 2016, there was
18 an agreement between two or more persons to:

19 a. prevent, by force, intimidation, or threats, federal law enforcement
20 officers from discharging the duties of their office under the United
21 States, or

22 b. induce, by force, intimidation, or threats, any federal law
23 enforcement officer of the United States to leave the place where

1 their duties were required to be performed; and

- 2 2. That the defendant became a member of the conspiracy knowing of at least
3 one of its objects and intending to help accomplish it.

4 **IV. FACTS SUPPORTING GUILTY PLEA**

5 A. The defendant will plead guilty because he is, in fact and under the law,
6 guilty of the crime charged.

7 B. The defendant acknowledges that if he elected to go to trial instead of
8 pleading guilty, the United States could prove his guilt beyond a reasonable doubt.
9 The defendant further acknowledges that his admissions and declarations of fact set
10 forth below satisfy every element of the charged offense.

11 C. The defendant waives any potential future claim that the facts he
12 admitted in this Plea Agreement were insufficient to satisfy the elements of the
13 charged offense.

14 D. The defendant admits and declares under penalty of perjury that the
15 facts set forth below are true and correct:

- 16 1. Beginning on or around March 28, 2014, federal law enforcement officers from
17 the United States Department of Interior, Bureau of Land Management and
18 National Park Service were engaged in the official duties of executing federal
19 court orders to remove and impound cattle trespassing upon federal public
20 lands in and around Bunkerville, Nevada, the cattle belonging to Cliven
21 Bundy, a local rancher.
- 22 2. Defendant Santilli knew that Cliven Bundy and his sons, Ammon, Dave, Mel,
23 and Ryan, (collectively, "the Bundys"), and others associated with them,
planned to thwart, impede and interfere with impoundment operations.
3. On April 9, 2014, Defendant Santilli used force to prevent officers from
discharging their duties by using his vehicle to block BLM law enforcement

officers and civilian employees as they were performing their duties related to the impoundment.

4. Defendant Santilli drove his vehicle straight toward a BLM law enforcement officer's vehicle, preventing the officer and the rest of the convoy behind him from being able to move forward.

5. The officer ordered Defendant Santilli to move out of the way but Defendant Santilli continued to block the convoy's path. Defendant Santilli finally reversed his vehicle out of the path of the convoy only after the officer repeated the command several times.

6. By using force to block the convoy, Defendant Santilli allowed others to surround the convoy and threaten the occupants of the vehicles by force violence and fear, inducing the officers to leave the place where their duties were required to be performed.

7. Defendant Santilli acknowledges that all of the above took place within the State and Federal District of Nevada.

V. COLLATERAL USE OF FACTUAL ADMISSIONS

The facts set forth in Section IV of this Plea Agreement shall be admissible against the defendant under Fed. R. Evid. 801(d)(2)(A) at sentencing for any purpose. If the defendant does not plead guilty or withdraws his guilty pleas, the facts set forth in Section IV of this Plea Agreement shall be admissible at any proceeding, including a trial, for impeaching or rebutting any evidence, argument or representation offered by or on the defendant's behalf. The defendant expressly waives all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 regarding the use of the facts set forth in Section IV of this Plea Agreement.

VI. APPLICATION OF SENTENCING GUIDELINES PROVISIONS

A. Discretionary Nature of Sentencing Guidelines. The defendant

acknowledges that the Court must consider the United States Sentencing Guidelines ("USSG" or "Sentencing Guidelines") in determining the defendant's sentence, but that the Sentencing Guidelines are advisory, not mandatory, and the Court has discretion to impose any reasonable sentence up to the maximum term of imprisonment permitted by statute.

B. Offense Level Calculations. The parties stipulate to the following calculation of the defendant's offense level under the Sentencing Guidelines, acknowledge that these stipulations do not bind the Court, and agree that they will not seek to apply any other specific offense characteristics, enhancements or reductions under the Sentencing Guidelines:

Base offense level (USSG §§ 2X1.1, 2A2.4(a))	10
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Special Offense Characteristics	
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Official victim (USSG § 3A1.2(b))	+6
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Offense was calculated to influence or affect the conduct of the government by intimidation or coercion (USSG § 3A1.4; comment n. 4))	+5
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Adjusted Offense Level	21
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Acceptance (USSG §§ 3E1.1(a) and (b))	(2)
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Total Adjusted Offense Level	19
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Variance for Timely Resolution	(4)
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Total Offense Level	<u>15</u>
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The defendant acknowledges that the statutory maximum sentence and any statutory minimum sentence limit the Court's discretion in determining the defendant's sentence notwithstanding any applicable Sentencing Guidelines provisions.

1 C. Reduction of Offense Level for Acceptance of Responsibility. Under
2 USSG § 3E1.1(a), the United States will recommend that the defendant receive a
3 two-level downward adjustment for acceptance of responsibility unless he (a) fails to
4 truthfully admit facts establishing a factual basis for the guilty plea when he enters
5 the plea; (b) fails to truthfully admit facts establishing the amount of restitution
6 owed when he enters his guilty plea; (c) fails to truthfully admit facts establishing
7 the forfeiture allegations when he enters his guilty plea; (d) provides false or
8 misleading information to the United States, the Court, Pretrial Services, or the
9 Probation Office; (e) denies involvement in the offense or provides conflicting
10 statements regarding his involvement or falsely denies or frivolously contests
11 conduct relevant to the offense; (f) attempts to withdraw his guilty plea; (g) commits
12 or attempts to commit any crime; (h) fails to appear in court; or (i) violates the
13 conditions of pretrial release. These Sentencing Guidelines provisions, if applied,
14 will result in a total adjusted offense level of 15, as stated above.

15 D. Variance Outside Advisory Guidelines Under 18 U.S.C. § 3553. As
16 consideration for the defendant's timely resolution of a complex, multi-defendant
17 matter, which allows the government to conserve and efficiently use its resources,
18 the parties agree to a four-level reduction to the adjusted offense level as a variance
19 outside the USSG Guideline System under Title 18, United States Code, Section
20 3553. The variance is based on the defendant's willingness to resolve the case as
21 seven defendants head to a joint trial, resulting in substantial savings of time and
22 expense to the United States government. If applied, this adjustment will result in
23 a Total Offense Level of 15, as delineated above.

1 E. Criminal History Category. The defendant acknowledges that the
2 Court may base its sentence in part on his criminal record or criminal history and
3 that the Court will determine the defendant's Criminal History Category under the
4 Sentencing Guidelines.

5 F. Relevant Conduct. The Court may consider all relevant conduct,
6 whether charged or uncharged, in determining the applicable Sentencing Guidelines
7 range and whether to depart from that range.

8 G. Additional Sentencing Information. The stipulated Sentencing
9 Guidelines calculations are based on information now known to the parties. The
10 parties may provide additional information to the United States Probation Office
11 and the Court regarding the nature, scope, and extent of the defendant's criminal
12 conduct and any aggravating or mitigating facts or circumstances. Good faith efforts
13 to provide truthful information or to correct factual misstatements shall not be
14 grounds for the defendant to withdraw his guilty plea.

15 The parties further agree that other than the stipulated guidelines
16 calculations, neither party will argue for additional adjustments, enhancements, or
17 departures under the Sentencing Guidelines. The defendant, however, is free to
18 argue for further variances from the Guideline calculations under Title 18, United
19 States Code, Section 3553.

20 The defendant acknowledges that the United States Probation Office may
21 calculate the Sentencing Guidelines differently and may rely on additional
22 information it obtains through its investigation. The defendant also acknowledges
23 that the Court may rely on this and other additional information as it calculates the

1 Sentencing Guidelines range and makes other sentencing determinations as
2 appropriate, and that the Court's reliance on such information shall not be grounds
3 for the defendant to withdraw his guilty plea.

4 **VII. APPLICATION OF SENTENCING STATUTES**

5 A. Maximum Penalty. Count 2: The maximum penalty for Conspiracy to
6 Impede or Injure a Federal Officer under 18 U.S.C. § 372 is 6 years imprisonment, a
7 fine of \$250,000, or both.

8 B. Factors Under 18 U.S.C. § 3553. The Court must consider the factors
9 set forth in 18 U.S.C. § 3553(a) in determining the defendant's sentence. However,
10 the statutory maximum sentence and any statutory minimum sentence limit the
11 Court's discretion in determining the defendant's sentence.

12 C. Parole Abolished. The defendant acknowledges that his prison
13 sentence cannot be shortened by early release on parole because parole has been
14 abolished.

15 D. Supervised Release. In addition to imprisonment and a fine, the
16 defendant will be subject to a term of supervised release not greater than three (3)
17 years. 18 U.S.C. § 3583(b)(1). Supervised release is a period of time after release
18 from prison during which the defendant will be subject to various restrictions and
19 requirements. If the defendant violates any condition of supervised release, the
20 Court may order the defendant's return to prison for all or part of the term of
21 supervised release, which could result in the defendant serving a total term of
22 imprisonment greater than the statutory maximum prison sentence.

23 E. Special Assessment. The defendant will pay a \$100 special assessment

1 per count at the time of sentencing.

2 **VIII. POSITIONS REGARDING SENTENCE**

3 The parties agree that as a part of the sentence in this case, the parties will
4 jointly recommend at the time of sentencing a sentence of imprisonment for a period
5 of the time served measured from January 26, 2016, either as a USSG Guideline
6 Sentence, a sentence under Title 18, United States Code, Section 3553(a), or both.
7 The parties further agree to jointly recommend a period of supervised release of
8 three years to follow the sentence of imprisonment imposed by the Court.

9 The defendant acknowledges that the Court does not have to follow this
10 recommendation.

11 **IX. RESTITUTION**

12 The parties agree that restitution is not mandatory based on the crime to
13 which he has pleaded guilty. As a further part of this plea agreement, the
14 government does not intend to seek non-mandatory restitution in connection with
15 the events giving rise to the Superseding Indictment.

16 **X. FORFEITURE**

17 The government agrees to dismiss any forfeiture counts following imposition
18 of sentence in this case and will not pursue any forfeiture in connection with the
19 events giving rise to the Superseding Indictment.

20 **XI. FINANCIAL INFORMATION AND DISPOSITION OF ASSETS**

21 Before or after sentencing, or upon request by the Court, the United States,
22 or the Probation Office, the defendant will provide accurate and complete financial
23 information, submit sworn statements, and/or give depositions under oath

1 concerning his assets. The defendant will release such funds and property under his
2 control in order to pay any assessment and/or fine imposed by the Court.

3 **XII. RELEASE PENDING IMPOSITION OF SENTENCE**

4 As of the date of this Agreement, the defendant remains subject to an Order
5 of pretrial detention. Following the entry of defendant's pleas of guilty pursuant to
6 the terms of this agreement, the government will recommend to the Court that the
7 defendant be released from pretrial detention on his own recognizance pending the
8 imposition of sentence and subject to an Order of Release that includes, but is not
9 limited to, the following agreed upon terms and conditions:

- 10 1. The defendant will not violate any federal, state or local law.
- 11 2. The defendant must immediately advise the court, defense
12 counsel, and the U.S. Attorney in writing before changing
address or telephone number.
- 13 3. The defendant must appear in court as required.
- 14 4. The defendant must report to a United States Pretrial
15 Services Office as directed.
- 16 5. The defendant must actively seek and/or maintain employment
17 and notify U.S. Pretrial Services before making any change in
employment.
- 18 6. The defendant will not use or possess any illegal or controlled
19 substances and will not knowingly associate or reside with
anyone who does.
- 20 7. The defendant will submit to drug/alcohol testing as directed by
U.S. Pretrial Services.
- 21 8. The defendant will not possess a firearm, destructive device, or
22 other dangerous weapon.
- 23 9. The defendant will not travel outside the State and Federal
District of Nevada except as approved by U.S. Pretrial Services
and with notice to the United States Attorney's Office.

1 10. The defendant will surrender any passport to U.S. Pretrial
2 Services and will not obtain any passport or other travel
3 documents.

4 The defendant understands that the Court is not bound by the
5 recommendation of the government regarding pretrial release and is free either to
6 continue detention or impose such other terms and conditions of release as it deems
7 appropriate under the circumstances.

8 **XIII. THE DEFENDANT'S ACKNOWLEDGMENTS AND WAIVERS**

9 A. Plea Agreement and Decision to Plead Guilty. The defendant
10 acknowledges that:

11 1. He has read this Plea Agreement and understands its terms and
12 conditions;

13 2. He has had adequate time to discuss this case, the evidence, and
14 this Plea Agreement with his attorney;

15 3. He has discussed the terms of this Plea Agreement with his
16 attorney;

17 4. The representations contained in this Plea Agreement are true
18 and correct, including the facts set forth in Section IV; and

19 5. He was not under the influence of any alcohol, drug, or medicine
20 that would impair his ability to understand the Agreement when he considered
21 signing this Plea Agreement and when he signed it.

22 The defendant understands that he alone decides whether to plead guilty or
23 go to trial, and acknowledges that he has decided to enter his guilty plea knowing of
 the charges brought against him, his possible defenses, and the benefits and possible

1 detriments of proceeding to trial. The defendant also acknowledges that he decided
2 to plead guilty voluntarily and that no one coerced or threatened him to enter into
3 this Plea Agreement.

4 B. Waiver of Appeal and Post-Conviction Proceedings. The defendant
5 knowingly and expressly waives: (a) the right to appeal any sentence imposed within
6 or below the applicable Sentencing Guideline range as determined by the Court; (b)
7 the right to appeal the manner in which the Court determined that sentence on the
8 grounds set forth in 18 U.S.C. § 3742; and (c) the right to appeal any other aspect of
9 the conviction or sentence and any order of restitution or forfeiture.

10 The defendant also knowingly and expressly waives all collateral challenges,
11 including any claims under 28 U.S.C. § 2255, to his conviction, sentence, and the
12 procedure by which the Court adjudicated guilt and imposed sentence, except non-
13 waivable claims of ineffective assistance of counsel.

14 The defendant reserves only the right to appeal any portion of the sentence
15 that is an upward departure from the Sentencing Guidelines range determined by
16 the Court.

17 The defendant acknowledges that the United States is not obligated or
18 required to preserve any evidence obtained in the investigation of this case.

19 C. Removal/Deportation Consequences. The defendant understands and
20 acknowledges that if he is not a United States citizen, then it is highly probable that
21 he will be permanently removed (deported) from the United States as a consequence
22 of pleading guilty under the terms of this Plea Agreement. The defendant has also
23 been advised if his conviction is for an offense described in 8 U.S.C. § 1101(a)(43), he

1 will be deported and removed from the United States and will not be allowed to
2 return to the United States at any time in the future. The defendant desires to plead
3 guilty regardless of any immigration consequences that may result from his guilty
4 plea, even if the consequence is automatic removal from the United States with no
5 possibility of returning. The defendant acknowledges that he has specifically
6 discussed these removal/deportation consequences with his attorney.

XIV. ADDITIONAL ACKNOWLEDGMENTS

This Plea Agreement resulted from an arms-length negotiation in which both parties bargained for and received valuable benefits in exchange for valuable concessions. It constitutes the entire agreement negotiated and agreed to by the parties. No promises, agreements or conditions other than those set forth in this agreement have been made or implied by the defendant, the defendant's attorney, or the United States, and no additional promises, agreements or conditions shall have any force or effect unless set forth in writing and signed by all parties or confirmed on the record before the Court.

STEVEN W. MYHRE
Acting United States Attorney

10-6-17
DATE

NADIA J. AHMED
DANIEL R. SCHIESS
Assistant United States Attorneys
ERIN M. CREEGAN
Special Assistant United States Attorney

10/6/17
DATE

CHRIS RASMUSSEN
Counsel for Defendant

10-6-17
DATE

PETER T. SANTILLI
Defendant